



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Craig S. RENDAHL, *et al.*

Serial No.: 09/818,684

Filed: March 28, 2001

Group Art Unit: 3661

Examiner: Not yet assigned

For: DATA PROCESSING AND VALIDATION

**Attn: Petitions Branch – Box DAC**

Assistant Commissioner for Patents

Washington, D.C. 20231

**PETITION UNDER 37 C.F.R. § 1.47(b) TO COMPLETE FILING  
REQUIREMENTS WHEN AN INVENTOR REFUSES TO SIGN OR CANNOT  
BE REACHED**

Sir:

This Petition Under 37 C.F.R. § 1.47(b) To Complete Filing Requirements When An Inventor Refuses To Sign Or Cannot Be Reached is being filed in response to the Notice to File Missing Parts, mailed March 2, 2001. The following items are enclosed.

1. A petition fee of \$130;
2. A Joint Declaration For Patent Application signed by Christopher Cuneo (Registration Number 42,450) and including the last known addresses of the inventors;
3. A Statement Of Facts In Support Of Filing On Behalf Of The Non-Signing Inventors including the affidavit of Mr. Niranjana Vescio indicating that the filing is necessary to preserve the rights of the parties;

12/31/2001 SDENB001 00000059 09818684

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130.00 00

4. A Statement Establishing The Proprietary Interest of **Envirotest Systems Corporation** including an employee agreement signed by Craig S. Rendahl and indicating the inventor's obligation to assign the invention to **Envirotest Systems Corporation**.

**PETITION**

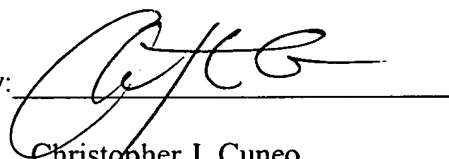
The named inventors in this application, CRAIG S. RENDAHL, KELLEY BOGART and JASON WEBSTER, have refused to execute the Oath or Declaration necessary to complete the filing. Therefore, **Envirotest Systems Corporation (ESC)**, the rightful owner of the entire right title and interest of the present application have filed this Petition in accordance with 37 C.F.R. § 1.47 and MPEP §§ 409.01-409.03(j).

Respectfully submitted,

Mintz Levin Cohn Ferris Glovsky and Popeo, PC

Dated:

By:

  
Christopher J. Cuneo  
Registration No. 42,450

**RECEIVED**

JAN 02 2002

**OFFICE OF PETITIONS**

Mintz Levin Cohn Ferris Glovsky and Popeo, PC  
11911 Freedom Drive, Suite 400  
Reston, VA 20190  
Telephone (703) 464-8159  
Facsimile (703) 464-4895

RES 59487v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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Craig S. RENDAHL, *et al.*

Serial No.: 09/818,684

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Washington, D.C. 20231

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**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF  
NONSIGNING INVENTORS**

This is a statement of the facts relied upon to establish the diligent efforts to secure the execution of the Joint Declaration For Patent Application by the non-signing inventors for the above identified patent application. Also included is a statement of facts relied upon to show that this petition is necessary to preserve the rights of the parties and prevent irreparable damage.

The declarations and affidavits included with this statement are made by persons with first-hand knowledge of the facts recited therein.

Attached is the affidavit of **Niranjan Vescio** and sets forth facts pertaining to the necessity of this petition to preserve the rights of the parties and prevent irreparable damage (**Attachment 1**).

Additional facts are set forth below.

I, Christopher Cuneo declare that:


1. On information and belief, CRAIG S. RENDAHL, KELLEY BOGART AND JASON WEBSTER were employees of **Environmental Systems Corp.** or its predecessors in interest (referred to herein as **ESC**).
2. On information and belief, during their tenure at ESC, CRAIG S. RENDAHL, KELLEY BOGART AND JASON WEBSTER developed the invention that is the subject of the present application.
3. Provisional patent applications (serial nos. **60/114,568 and 60/114,554**), from which the present application claims priority, were filed on **December 31, 1998**.
4. On information and belief, subsequent to **September 17, 1998**, CRAIG S. RENDAHL terminated his employment with **ESC** and joined **SPX Corporation**, a direct competitor of **ESC**.
5. On information and belief SPX employs Mr. Rendahl to develop products intended to compete with **ESC** products.
6. On information and belief, KELLEY BOGART and JASON WEBSTER terminated their employment with **ESC** at some point prior to December 31, 1998.
7. On information and belief, MR. JASON WEBSTER is currently employed by MD LaserTech, LTD, a direct competitor of **ESC**.
8. On information and belief, MD LaserTech, LTD employs JASON WEBSTER to develop products intended to compete with **ESC** products.

9. On information and belief, On information and belief, KELLEY BOGART and JASON WEBSTER terminated their employment with ESC at some point prior to December 31, 1998.
10. CRAIG S. RENDAHL, KELLEY BOGART AND JASON WEBSTER have refused, either explicitly or by conduct, to execute a Joint Declaration For Patent Application.
11. On information and belief, on August 19, 1999, James G. Gatto, an agent of the firm previously responsible for the prosecution of this application, sent a letter (**Attachment 2**) to Mr. Tom Cross, an agent of a predecessor in interest to ESC, requesting the signatures of the (at that time) two identified inventors for the present invention.
12. On information and belief, on February 16, 2000, CRAIG S. RENDAHL sent an email to James G. Gatto (**Attachment 3**) indicating that JASON WEBSTER should also be named as an inventor for the present invention.
13. On information and belief, the February 16, 2000 email also indicates that CRAIG S. RENDAHL received and reviewed the application (as filed under serial no. 09/474,131) and indicates his reservations regarding executing the Joint Declaration for Patent Application.
14. On November 21, 2001 I sent letters, via Certified Mail, to each of CRAIG S. RENDAHL, KELLEY BOGART and JASON WEBSTER enclosing copies of the present application and requesting execution of the Joint Declaration For Patent Application (**Attachment 4 (without enclosures)**).

15. The U.S. Postal Service has returned confirmation of delivery to each address  
**(Attachment 5).**
16. To date, none of the named inventors have returned executed Joint Declarations  
for Patent Application for the present invention.
17. I hereby declare that all statements made herein of my own knowledge are true  
and that all statements made on information and belief are believed to be true; and  
further that these statements were made with the knowledge that willful false  
statements and the like so made are punishable by fine or imprisonment, or both,  
under Section 1001 of Title 18 of the United States Code and that such willful  
false statements may jeopardize the validity of the application or any patent  
issuing thereon.

Date:

12/28/01

  
\_\_\_\_\_  
Christopher Cuneo  
Reg. No. 42,450

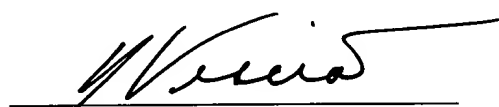
**Declaration of Niranjana Vescio**

I, Niranjana Vescio, hereby declare the following:

1. I am an employee of Envirotech Systems Corporation (ESC). My responsibilities include monitoring competitors.
2. On information and belief, John DiDomenico, and Craig S. Rendahl are employed by SPX Corporation (SPX) to develop products that directly compete with ESC products.
3. On information and belief, James H. Johnson was employed by MD LaserTech, LTD. (MD Laser) to develop products that compete with ESC products.
4. I have personally witnessed presentations, obtained promotional material and had discussions with other industry personnel that substantiate my belief that SPX and MD Laser are developing competing products.
5. At the 2000 CRC conference in San Diego, California, I personally witnessed Mr. Rendahl deliver a presentation in which he highlighted various aspects of SPX's plan to design, manufacture and market a remote sensing device to compete against ESP products.
6. At the 2001 CRC conference, I witnessed SPX present a poster that described progress made in the development of their remote sensing device. At that conference I witnessed Mr. John DiDomenico, as chief engineer for SPX, describe some of SPX's technical achievements. I also witnessed Dr. Glan Sachse, a NASA collaborator, elaborate on some of the technical aspects of SPX's products which are being developed to compete against ESP's remote sensing device.

7. I have visited the SPX website page (<http://www.shareholder.com/spx/news/20000719-18037.cfm>) (copy attached) that announces SPX's license to use NASA technology to develop a remote sensing device which will compete against ESP products. This same announcement quotes Mr. Rendahl as saying "we expect to begin manufacturing a highly enhanced remote sensing device before the end of 2001."
8. I have visited the MD Laser website (<http://www.md-lasertech.com/profile.html>) (copy attached) that describes MD Laser's products that are designed to compete with ESP products.
9. I have obtained a promotional CD-ROM disk that describes SPX's interest in developing a remote sensing device that competes with ESP products.
10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Aug. 1, 2001

  
Niranjana Vescio  
Title: Technical Marketing Director



**SPX Corporation**

SPW \$135.03 +0.03 12:40 PM ET - Dec 28

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## Press Releases

### SPX Service Solutions to Adapt Nasa Satellite Technology to Monitor Vehicle Pollution

KALAMAZOO, MICHIGAN - JULY 19, 2000 – SPX Service Solutions, a unit of SPX Corporation (NYSE:SPW) today announced that it has received the exclusive license to use patented NASA technology for use in developing a new remote sensing device to monitor motor vehicle exhaust.

Cities and states may soon have a new high-tech tool in the battle against automotive air pollution, thanks to NASA satellite technology originally developed to track global greenhouse gases and the Earth's protective ozone layer. As envisioned, NASA's atmospheric remote sensing technology will be adapted to an autonomous roadside system to monitor motor vehicle emissions.

Cars and trucks will pass through a low-power light beam, without stopping or slowing down. Space-age sensor technology will instantly analyze vehicle exhaust pollutants important to local and state governments working to meet federally mandated air quality standards.

"Taking an accurate reading of several exhaust products as a car passes by is a formidable challenge. We want to take a measurement of all the gases of interest every one thousandth of a second over a period of a half-second. Fortunately, our newest remote sensing technology has that capability," said Glen Sachse, senior research scientist at NASA Langley Research Center, Hampton, VA. Sachse is one of six team members who invented the highly sensitive electro-optical system at the core of the technology.

"Remote testing of vehicle exhaust will provide governments around the world with a fast, efficient and low-cost method to identify and reduce motor vehicle air pollution and greenhouse gases, which account for approximately half of all air pollution," said Craig Rendahl, Remote Sensing business leader for SPX Service Solutions.

"With the number of vehicles on the road increasing every year, we believe there is a significant global market for technology of this nature," said Rendahl. "SPX will offer a basic unit which will be available at the end of 2000. With the help of NASA, we expect to begin manufacturing a highly enhanced remote sensing device before the end of 2001. This second-generation product will contain many other features, including the capability to test heavy-duty diesel vehicles."

The U.S. Clean Air Act mandates that a certain percentage of the U.S. fleet of vehicles be measured each year. The act allows for remote sensing as an option.

In a process called "clean screening," drivers who formerly took their vehicles in for an annual emissions inspection would receive a notice in the mail certifying that their vehicle has passed twice in a 12-month period and that they do not have to submit to an emissions test -- at least that's the expected outcome for most drivers. As individual roadside exhaust measurements are taken, the license plate would be photographed and the data would be transmitted to a central collecting point.

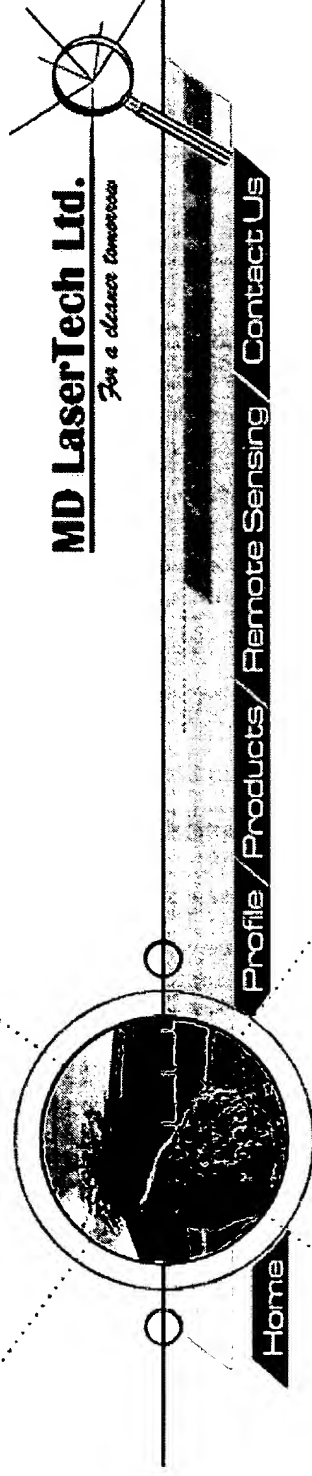
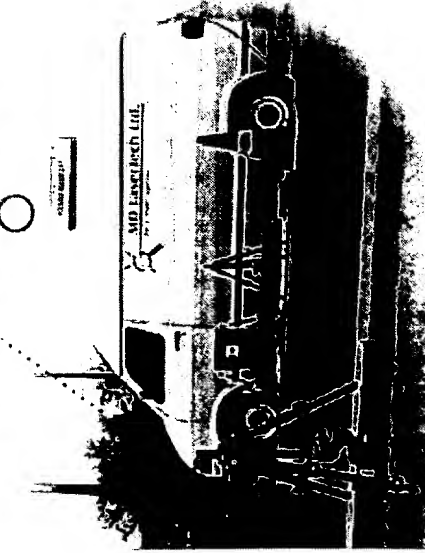
Those drivers whose vehicles passed would save both time and money. Drivers whose vehicles failed or gave marginal readings would be identified for additional testing and possible emissions-related repairs.

In space, NASA uses remote sensing devices mounted on satellites and backlighting from the sun to take global atmospheric measurements as part of its Earth Science Enterprise program. The program is aimed at expanding knowledge of the Earth's environment in order to provide the scientific basis for sound policy decisions on environmental matters.

Service Solutions, a unit of SPX Corporation, is a leader in special service tools, equipment program management, electronic diagnostics, emissions testing equipment and technical information services for the global motor vehicle industry. It markets its products under the Kent-Moore, Miller Special Tools, OTC, Robinair, Bear, Allen Testproducts and Valley Forge brand names. SPX Corporation is a global provider of technical products and systems, industrial products and services, service solutions and vehicle components.

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# Remote Sensing Systems

**MD LaserTech Ltd.***For a cleaner tomorrow***Meet  
our Personnel**

## Company Profile

MD LaserTech was founded in 1998 to provide high quality remote sensing services and technology to states and government agencies as a complement their vehicle emissions control programs.

Highly experienced remote sensing and emissions systems development personnel founded MD LaserTech. The team has many years experience in the development, deployment, manufacture and operation of vehicle emissions testing and remote sensing technology and equipment.

MD LaserTech offers the industry's most advanced remote sensing systems for 2-Gas, 4-Gas and diesel opacity emissions analysis. In addition to products for emissions applications, MD LaserTech also offers advanced remote sensing systems for speed limit enforcement.

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CHARLOTTE, NORTH CAROLINA  
KNOXVILLE, TENNESSEE

JAMES G. GATTO  
E-MAIL: JGATTO@HUNTON.COM

FILE NO.: 47382.000053  
DIRECT DIAL: (202) 955-1886

August 19, 1999

**ATTORNEY-CLIENT PRIVILEGED**

Via UPS Overnight

Mr. Tom Cross  
Remote Sensing Technologies, Inc. (RSTi)  
2002 North Forbes Boulevard  
Tucson, AZ 85745-1446

Re: Data Processing and Validation  
Provisional Application Serial No. 60/114,554  
Inventors: Craig Rendahl and Kelley Bogart

RECEIVED  
JAN 02 2002  
OFFICE OF PETITIONS

Dear Tom:

I am enclosing a revised patent application directed to the above-referenced invention, based on the comments provided by Craig Rendahl. Please arrange to have the inventors review the application for completeness and accuracy. Once the text of the application has been approved, we need the inventors to sign the Joint Declaration document enclosed herewith to be filed with the U.S. Patent and Trademark Office when we file the patent application.

By signing the Joint Declaration document, the inventors are swearing that they have reviewed the patent application and are the original inventors. The provisional patent application must be converted into a United States utility patent application and foreign filed, if desirable, by **December 31, 1999**. To avoid any potential problems, please advise us as soon as possible, and at least before **December 17, 1999**.

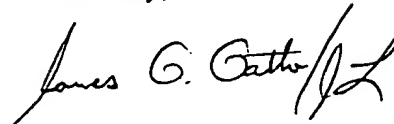
It is our understanding that both inventors are no longer employed by RSTi. Please note that the subject matter of the present application is confidential. When forwarding the patent application to the inventors, it is advisable to implement a confidentiality obligation upon the inventors, to pressure the confidentiality of the subject matter of the patent application.

HUNTON & WILLIAMS

Mr. Tom Cross  
August 19, 1999  
Page 2

Please contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "James G. Gatto" followed by a stylized flourish.

James G. Gatto

JGG/JDL/hc  
Enclosures

cc: Larry Hurwitz (w/enclosures)

**From:** Craig Rendahl [CRENDAHL@spxateg.com]  
**Sent:** Wednesday, February 16, 2000 7:42 PM  
**To:** JGatto@hunton.com  
**Cc:** Cyndi.Britain@etest.com; Salgado@etest.com; Vescio@etest.com; KDunleavy@hunton.com; Jason@MD-Lasertech.Com; Craig Rendahl; Bogart@U.Arizona.Edu  
**Subject:** Confidential Review of Atty Doc #47382.000053

Jim,

The following is the results of my review of patent application serial number 09/474,131, which I believe corresponds to attorney docket number 47382.000053. The title of this patent is "Data Processing and Validation". I have included the co-inventors in on this message. I have also included those who are tracking the progress of my patent review.

**Problems:**

1. The patent does not have an address for Jason Webster. I have included Jason Webster in on this message. His e-mail address was discovered on Internet without a problem. Please contact him for his current address. Also check with Kelley Bogart on her current mailing address. I discovered her e-mail address the same way as with Jason. No others are part of this patent {though check comment #3 below}.

2. I value Jason Webster's opinion on the versions of software that were used in the ESP data processing center. For this reason, I defer to him as to when this invention was originally implemented. I feel more comfortable signing the oath after he provides his opinions. Please also see comment #5 below on this issue.

Jason's opinions are important, because he would know how substantially different the data center "tag edit" software was for the Texas program data processing activities (November 1996?), from the version of tag edit software that was used subsequent to Texas data. This is an issue I have with this patent, in that we probably used the technology for commercial purposes more than a year prior to the filing of the patent. Jack Marino would know when the Texas project was completed, as he was the operations chief. There was a final report on the Texas study published by Desert Research Institute. This report could be consulted if it would help.

3. Kelley's involvement began around January, 1997 {Kelley - please confirm}. She was the data processing chief. She created the forms out of the data processing center's master design and data chain-of-custody. I value her opinion on whether Michael Lewis was involved in that, and/or any other design of data processing that would require inclusion of his name as a co-inventor. I have no information on Michael's whereabouts.

4. Jim, I confess that I do not fundamentally understand the claims of this patent. We will have to work on this. I don't think that we will be able to make the March 13 deadline that is on the "deadline sheet" that was sent to me by Cyndi Britain on today (2/16), authored by Haj. In general, it appears that there are some plume validation criteria in the patent that are real-time evaluations (claim 1 and subsequent dependent claims?) - not post process. We need to have a dialog on what this means. The result of this dialog will yield claims that are more understandable. The chain-of-custody of the data is also something to work on. The patent description seems too detailed for what patent descriptions need to accomplish, but that's your call.

5. Portions of real-time plume criteria evaluation was commercially implemented in the California OREMS program in fall of 1996. Jason would possibly know this. However, I'm sure that both of us would need to look at versions of code to verify this. I can't begin to guess when various versions of code were released; it's been too long ago. I did not take any code with me when I left ESP last August. Haj might be able to shed light on this, or Mary, because the computer network within ESP has (or had) each version of code that was ever written. The source code generally had dates of when changes were made. These dates need to be compared to the patent filing date to positively determine that we didn't commercialize a version of code more than a year prior to the filing of a patent. I didn't really get into DOS source code revisions until after Jason left ESP {then RSTi} around April 1997.

Jim, we will have to work on this patent in getting the claims to make some sense to me. We will also need to confirm in my mind that we didn't commercialize the claims of this patent one year prior to the filing date of the initial provisional patents dated 12/31/98. Lastly, we need to confirm that Michael Lewis is not a co-inventor.

Craig

Craig S. Rendahl  
Remote Sensing Business Leader  
SPX Corporation  
P.O. Box 90386  
Tucson, AZ 85752-0386  
(520) 241-1572 {cell}

MINTZ LEVIN  
COHN FERRIS  
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POPEO PC

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Reston, Virginia 20190  
703 464 4800  
703 464 4895 fax  
www.mintz.com*

Christopher Cuneo

*Direct dial 703 464 8159  
ccuneo@mintz.com*

November 21, 2001

**BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
TRACKING No.: 7000-1670-0011-9499-6116**

Craig S. Rendahl  
SPX Corp.  
2250 N. Dragoon Street  
Suite 100  
Tucson, AZ 85745

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JAN 02 2002  
OFFICE OF PETITIONS

Re: U.S. Patent Application Serial No. 09/818,684  
Filed: March 28, 2001, which is a continuation of 09/734,659 filed  
August 8, 2000 (abandoned), which is a continuation of 09/474,131 filed  
December 29, 1999 (abandoned), which claims priority from provisional  
applications 60/114,554 and 60/114,568, both filed December 31, 1998  
Inventor(s): Craig Rendahl *et al.*  
Title: "DATA PROCESSING AND VALIDATION"  
Our Reference No. 23439-044-402

Dear Craig:

Enclosed is a copy of a patent application titled "Data Processing And Validation" (as filed) of which you are named as an inventor. Also enclosed are (1) Joint Declaration for Patent Application and Power of Attorney and (2) Assignment documents.

Further to communications that you have received relating to the above-identified patent family, kindly sign and date both the Declaration and Power of Attorney and Assignment documents and return them to us as soon as possible for filing with the U.S. Patent and Trademark Office. For your convenience, I have enclosed a self-addressed Federal Express envelope for expeditious return.

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.

Craig S. Rendahl  
November 21, 2001  
Page 2

If you have any questions regarding this matter, please do not hesitate to contact me at the telephone number listed above.

Very truly yours,

*Dms*  
*Christopher Cuneo*

Christopher J. Cuneo

JGG/CJC:dms

Enclosures:

- Patent Application titled "DATA PROCESSING AND VALIDATION"
- Drawing Figures 1-10
- Joint Declaration for Patent Application and Power of Attorney
- Assignment
- Federal Express Return Envelope

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<p>1. Article Addressed to:</p> <p>Craig S. Rendahl SPX Corp. 2250 N. Dragoon St. Suite 100 Tucson, AZ 85745</p>		<p>C. Signature _____ <input type="checkbox"/> Agent X _____ <input type="checkbox"/> Addressee</p>	
<p>2. Article Number (Copy from service label) 7000-1670-0011-9499-6116</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
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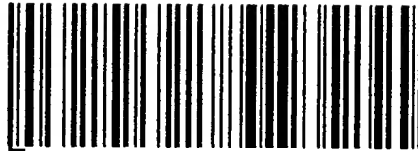
PS Form 3811, July 1999

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102595-00-M-0952

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703 464 4895 fax  
www.mintz.com

Christopher Cuneo

Direct dial 703 464 8159  
ccuneo@mintz.com

November 21, 2001

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TRACKING No.: 7000-1670-0011-9499-6130**

Kelley Bogart  
2441 W. Los Almos  
Tucson, AZ 85741

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Re: U.S. Patent Application Serial No. 09/818,684  
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applications 60/114,554 and 60/114,568, both filed December 31, 1998  
Inventor(s): Craig Rendahl *et al.*  
Title: "DATA PROCESSING AND VALIDATION"  
Our Reference No. 23439-044-402

Dear Kelley:

Enclosed is a copy of a patent application titled "Data Processing And Validation"  
(as filed) of which you are named as an inventor. Also enclosed are (1) Joint  
Declaration for Patent Application and Power of Attorney and (2) Assignment  
documents.

Kindly sign and date both the Declaration and Power of Attorney and Assignment  
documents and return them to us as soon as possible for filing with the U.S. Patent and  
Trademark Office. For your convenience, I have enclosed a self-addressed Federal  
Express envelope for expeditious return.

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.

Kelley Bogart  
November 21, 2001  
Page 2

If you have any questions regarding this matter, please do not hesitate to contact me at the telephone number listed above.

Very truly yours,

  
Christopher J. Cuneo

JGG/CJC:dms

Enclosures:

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- Drawing Figures 1-10
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- Assignment
- Federal Express Return Envelope

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kelley Bogart  
2441 W. Los Almos  
Tucson, AZ 85741

2. Article Number (Copy from service label)

7000-1670-0011-9499-6130

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by, (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent  
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

PLACE STICKER AT TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE

**CERTIFIED MAIL**



7000 1670 0011 9499 6130  
7000 1670 0011 9499 6130

**RECEIVED**

JAN 02 2002

**OFFICE OF PETITIONS**

Sent To: Kelley Bogart  
Street: 2441 W. Los Almos  
City, State, Zip: Tucson, AZ 85741  
PS Form 3800, May 2000 See Reverse for Instructions

Postage \$  
Certified Fee  
Return Receipt Fee (Endorsement Required)  
Restricted Delivery Fee (Endorsement Required)  
Total Postage & Fees \$

Postmark Here

**OFFICIAL USE**

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

MINTZ LEVIN  
COHN FERRIS  
GLOVSKY AND  
POPEO PC

Reston  
Boston  
New York  
Washington  
New Haven

One Fountain Square  
11911 Freedom Drive  
Reston, Virginia 20190  
703 464 4800  
703 464 4895 fax  
[www.mintz.com](http://www.mintz.com)

Christopher Cuneo

Direct dial 703 464 8159  
[ccuneo@mintz.com](mailto:ccuneo@mintz.com)

November 21, 2001

**BY CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**TRACKING No.: 7000-1670-0011-9499-6123**

Jason Webster  
6161 E. Grant Road  
Apt. #24201  
Tucson, AZ 85712

RECEIVED  
JAN 02 2002  
OFFICE OF PETITIONS

Re: U.S. Patent Application Serial No. 09/818,684  
Filed: March 28, 2001, which is a continuation of 09/734,659 filed  
August 8, 2000 (abandoned), which is a continuation of 09/474,131 filed  
December 29, 1999 (abandoned), which claims priority from provisional  
applications 60/114,554 and 60/114,568, both filed December 31, 1998  
Inventor(s): Craig Rendahl *et al.*  
Title: "DATA PROCESSING AND VALIDATION"  
Our Reference No. 23439-044-402

Dear Jason:

Enclosed is a copy of a patent application titled "Data Processing And Validation"  
(as filed) of which you are named as an inventor. Also enclosed are (1) Joint  
Declaration for Patent Application and Power of Attorney and (2) Assignment  
documents.

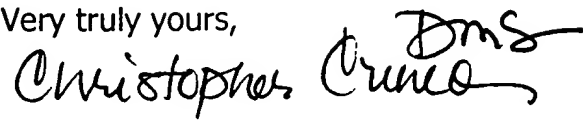
Kindly sign and date both the Declaration and Power of Attorney and Assignment  
documents and return them to us as soon as possible for filing with the U.S. Patent and  
Trademark Office. For your convenience, I have enclosed a self-addressed Federal  
Express envelope for expeditious return.

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.

Jason Webster  
November 21, 2001  
Page 2

If you have any questions regarding this matter, please do not hesitate to contact me at the telephone number listed above.

Very truly yours,



Christopher J. Cuneo

JGG/CJC:dms

Enclosures:

- Patent Application titled "DATA PROCESSING AND VALIDATION"
- Drawing Figures 1-10
- Joint Declaration for Patent Application and Power of Attorney
- Assignment
- Federal Express Return Envelope

## SENDER: COMPLETE THIS SECTION

- Complete item 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Jason Webster  
6161 E. Grant Rd.  
Apt #24201  
Tucson, AZ 85712

## 2. Article Number (Copy from service label)

7000-1670-0011-9499-6123

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Print Name) B. Date of Delivery

C. Signature

X

☐ Agent  
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

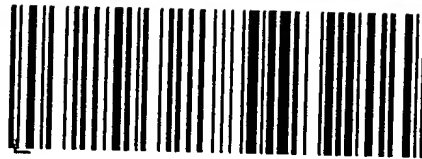
## 3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PLACE STICKER AT TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE

CERTIFIED MAIL



7000 1670 0011 9499 6123

7000 1670 0011 9499 6123

RECEIVED

JAN 02 2002

OFFICE OF PETITIONS

Sent To: Jason Webster  
 Street Apt. No. or P.O. Box No.: 6161 E. Grant Rd. #24201  
 City, State, ZIP+4: Tucson, AZ 85712  
 PS Form 3800, May 2000 See Reverse for Instructions

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

## SENDER: COMPLETE THIS SECTION

- Complete item 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Craig S. Rendahl  
SPX Corp.  
2250 N. Dragoon St.  
Suite 100  
Tucson, AZ 85745

## 2. Article Number (Copy from service label)

7000-1670-0011-9499-6116

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

Tracie A. Page

11-26-01

C. Signature

Tracie A. Page

☒ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

## SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Kelley Bogart  
2441 W. Los Alamos  
Tucson, AZ 85741

## 2. Article Number (Copy from service label)

7000-1670-0011-9499-6130

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

Kelley Bogart

11-26-01

C. Signature

X Kelley Bogart

☒ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

RECEIVED

NOV 30 2001

JAN 02 2002

OFFICE OF PETITIONS

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

## SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Jason Webster  
6161 E. Grant Rd.  
Apt #24201  
Tucson, AZ 85712

## 2. Article Number (Copy from service label)

7000-1670-0011-9499-6123

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

## COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

Jael Webster

12/15/01

C. Signature

X Jael Webster

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

# 22209

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Craig S. RENDAHL, et

Serial No.: 09/818,684

Filed: March 28, 2001



Group Art Unit: 3661

Examiner: Not yet assigned

For: DATA PROCESSING AND VALIDATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT ESTABLISHING A PROPRIETARY INTEREST**

I, **Christopher Cuneo**, residing at **15657 Limestone School Rd, Leesburg, Virginia 20176**, am the person signing the declaration on the above-identified application on behalf of the non-signing inventor(s) and make this statement as to the facts establishing the proprietary interest of **Envirotest Systems Corp. (ESC)**.

The proprietary interest of in this invention belongs to:

**Environmental Systems Products Holdings, Inc.**

**11 Kripes Road**

**East Gramby, Connecticut 06026**

Through its subsidiary:

**Envirotest Systems Corporation**

**2002 N. Forbes Boulevard**

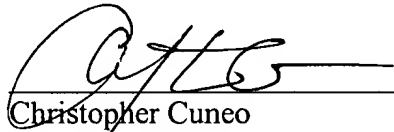
**Tucson, Arizona 85745-1446.**

I am authorized to sign on behalf of ESC, as per the authorization of General Counsel, Laurence D. Hurwitz, Esq. (copy of email authorization **Attachment 6**).

I establish proprietary interest by attaching a copy of the agreement whereby the non-signing inventor agreed to assign this invention (**Attachment 7**).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/28/01

  
\_\_\_\_\_  
Christopher Cuneo  
Reg. No. 42,450

**Cuneo, Christopher J.**

---

**From:** Larry.Hurwitz@etest.com  
**Sent:** Wednesday, August 29, 2001 5:13 PM  
**To:** Cuneo, Christopher J.  
**Subject:** RE: CONFIDENTIAL

**Sensitivity:** Confidential

Consider this as authorization to sign on behalf of the company.

-----Original Message-----

From: Cuneo, Christopher J. [mailto:CJCuneo@Mintz.com]  
Sent: Wednesday, August 29, 2001 5:07 PM  
To: Laurence D. Hurwitz (E-mail)  
Subject: CONFIDENTIAL  
Importance: High  
Sensitivity: Confidential

CONFIDENTIAL  
ATTORNEY-CLIENT PRIVILEGED

Dear Larry,

We are preparing petitions to the Commissioner of the U.S. Patent Office that, if granted, will enable eSP to prosecute the patent applications filed in the names of John DiDomenico and the other ex-employees. As part of the petitions we will need to file a declaration on behalf of the inventors that must be signed by either an authorized officer of eSP or a registered patent attorney with authorization to sign on behalf of the company.

As we will be preparing a number of these petitions, I believe it would be easier logistically if eSP authorizes the following registered patent attorneys and agents to execute the declarations:

James G. Gatto  
Christopher J. Cuneo  
Raphael A. Valencia  
Brian S. Rosenbloom  
Bradford C. Blaise

The above people work in Mintz Levin's Reston office under Jim's supervision. Authorization may be granted via response to this email. We need authorization as soon as possible as some of these petitions are due in early September. If you have any questions or comments, please do not hesitate to contact me.

Thanks,

-Chris

Christopher Cuneo  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Fountain Square  
11911 Freedom Drive  
Reston, Virginia 20190  
Telephone: 703-464-8159  
Facsimile: 703-464-4895  
email: ccuneo@mintz.com

As a condition and in consideration of my employment by Envirotech Systems Corp., Inc., or any direct or indirect parent of it or any direct or indirect subsidiary of any of them, their successors or assigns (hereinafter referred to collectively as the Employer), I, the Employee named below, agree as follows:

1. Unless the Employer has acquired specific authorization, I will not disclose to or use in my work with the Employer any proprietary information of others, including any of my prior employers.

2. I will not, either during or after my employment, use, publish or otherwise disclose, except for the Employer's benefit in course of such employment, any technical or business information developed by, for or at the expense of the Employer, or assigned or entrusted to the Employer by me or anyone else, unless such information is generally known outside of the Employer; and I will deliver to or leave with the Employer all written and other materials containing such information upon termination of my employment.

3. I agree that all trade secrets, all inventions, all works of authorship (including illustrations, writings, mask works, software and computer programs), and all other business or technical information created or conceived by me, either alone or with others, while employed by the Employer and related to the existing or contemplated business or research of the Employer or resulting from my work with the Employer, belong to the Employer. Until proven otherwise, any invention shall be presumed to have been conceived during such employment if within one (1) year after termination of such employment it is disclosed to others, or it is completed, or it has a patent application filed thereon.

4. I will promptly disclose to the Employer all trade secrets, inventions, works of authorship, and information which belong to the Employer under paragraph 3 above; and I will assign to the Employer, or to others as directed by the Employer, all of my interest in such inventions and works of authorship, and I will execute any papers and do any acts which the Employer may consider necessary to secure to it any and all rights relating to such inventions and works of authorship, including all patents and copyrights (and renewals thereof) in any country.

5. I understand that the Employer agrees to pay to me, in addition to my salary and wages, the sum of One Hundred Dollars (\$100) upon the granting of a United States Patent on an invention assigned under the provisions of paragraph 4.

This agreement supersedes all prior oral or written agreements and is effective with respect to the subject matter hereof subsequent to the date executed. This Agreement does not alter nor shall it be deemed to alter, the employment relationship, whether at-will or contractual, between the Employer and the Employee.

I acknowledge receipt of an executed copy of this Agreement. This Agreement is executed this day of 4/01 1996 at REST. MD, TIKSON, AZ

ENVIROTEST SYSTEMS CORP.

by

Print Name JOHN D. DOMENICO

Title MANAGER OF ENGINEERING

EMPLOYEE

Signature [Signature]

Print Name CHRIS S. KENDALL

Address 10332 N ORACLE RD, LAS VEGAS, AZ 89137

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